

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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SANTANA CLINE,

Case No. 2:15-CV-2115 JCM (VCF)

Plaintiff(s),

## ORDER

V.

ETSY, INC., et al.,

**Defendant(s).**

13 Presently before the court is defendant Etsy Inc.'s motion to dismiss. (ECF No. 60).  
14 Plaintiff has not filed a response, and the time for doing so has since passed.

Also before the court is defendant Brad Campden's motion to dismiss. (ECF No. 64).

16 On May 23, 2016, this court adopted Judge Ferenbach’s report and recommendation,  
17 thereby staying this case pending the conclusion of arbitration. (ECF No. 43); *see* (ECF No. 40).  
18 On May 24, 2017, this court granted defendant Brad Campden’s motion to set aside clerk’s entry  
19 of default. (ECF No. 55). On April 5, 2018, the court ordered the parties to submit a joint status  
20 report within thirty days. (ECF No. 56).

21 On April 18, 2018, defendant Etsy Inc. filed a motion to dismiss, indicating that plaintiff  
22 has not taken action to prosecute her case within the last 700 days. (ECF No. 60). Plaintiff has  
23 not responded to the motion.

24 “Failure to follow a district court’s local rules is a proper ground for dismissal.” *Ghazali*  
25 *v. Moran*, 46 F.3d 52. In *Ghazali*, defendants filed a motion to dismiss. *Id.* at 53. Plaintiff, who  
26 represented himself *pro se*, failed to oppose defendant’s motion. *Id.* at 54. The court granted  
27 defendant’s motion based on plaintiff’s failure to file an opposition. *Id.* at 53. The Ninth Circuit

1 upheld the decision of the district court. *Id.* at 54. “[P]ro se litigants are bound by the rules of  
2 procedure. [Plaintiff] did not follow them, and his case was properly dismissed.” *Id.*

3 “Before dismissing an action [for failure to follow local rules], the district court is required  
4 to weigh several factors: ‘(1) the public’s interest in expeditious resolution of litigation; (2) the  
5 court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy  
6 favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.’” *Id.*  
7 (quoting *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

8 Here, as plaintiff has not opposed the motion to dismiss, she has consented to the granting  
9 of the motion. LR 7-2(d). Further, the *Ghazali* factors favor dismissal of plaintiff’s complaint.  
10 *See* 46 F.3d at 54. Plaintiff refused to participate in the arbitration process, and has not prosecuted  
11 her case for the last 700 days. Plaintiff’s failure to appear in this case for over two years prejudices  
12 defendants and strains the court’s ability to manage its docket. *See id.* In addition, the court has  
13 reviewed defendant Etsy Inc.’s motion, and the motion presents meritorious arguments that favor  
14 dismissal of plaintiff’s complaint.

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Etsy Inc.’s  
17 motion to dismiss (ECF No. 60) be, and the same hereby is, GRANTED.

18 IT IS FURTHER ORDERED that all of plaintiff’s claims in this action be, and the same  
19 hereby are, DISMISSED WITH PREJUDICE.

20 IT IS FURTHER ORDERED that defendant Campden’s motion to dismiss (ECF No. 64)  
21 be, and the same hereby is, DENIED as moot.

22 The clerk shall enter judgment accordingly and close the case.

23 DATED May 7, 2018.

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UNITED STATES DISTRICT JUDGE